

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 68108

Louis P. Baca
Mary Michael White

1500 Glen Keith Boulevard

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on November 4, 2009, for a Hearing on a citation for violations of the Baltimore County Zoning Regulations (BCZR) section 428, failure to cease the storage of blue Taurus with expired tags; Baltimore County Code (BCC) section 13-4-201, failure to store trash/garbage in containers with tight fitting lids on residential property known as 1500 Glen Keith Boulevard, 21286.

On October 21, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector Latoshia Rumsey-Scott issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,500.00 (one thousand five hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on September 16, 2009 for removal of untagged/inoperative motor vehicle, store garbage in containers with tight lids, and cut and remove tall grass and weeds. This Citation was issued on October 21, 2009.

B. Photographs in the file show a Ford Taurus station wagon parked in the driveway of this residence, with tags that expired November 2008. Photographs also show bagged garbage and trash in cans without lids. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. Notes in the file state that the house appears to be vacant. Respondents have not responded to the County's notices.

C. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. BCZR Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondents have exceeded this limitation. Respondents must put valid tags on the vehicle and make it operable, or remove it from the property. Improperly stored trash and garbage must be removed from the premises.

D. Because compliance is the goal of code enforcement, the civil penalty will be reduced if the violations are corrected within the time provided below. If the violations are not corrected, the full civil penalty shall be imposed, Respondents will be subject to additional Citation, and the County will be authorized to remove the untagged vehicle and any impermissible junk, trash and garbage, at Respondents' expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if the violation is corrected by November 30, 2009.

IT IS FURTHER ORDERED that after November 30, 2009, the County may enter the property for the purpose of removing the untagged vehicle, at Respondent's expense.

IT IS FURTHER ORDERED that after November 30, 2009, the County may enter the property for the purpose of removing all junk, trash, debris, and garbage, at Respondents' expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 12th day of November 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer